



Date: August 18, 2015
To: Thomas J. Bonfield, City Manager
Through: W. Bowman Ferguson, Deputy City Manager
From: Jina B. Propst, Assistant Director, General Services Department

Subject: Proposed conveyance of various property interests to the North Carolina Department of Transportation for the Alston Avenue widening project

Executive Summary

The North Carolina Department of Transportation (NCDOT) needs to acquire various property interests from the City for NCDOT's Alston Avenue widening project (the Project). The proposed conveyances, outlined below, incorporate land from two city-owned parcels, which are located at 1318 E. Pettigrew Street and 917 Liberty Street.

NCDOT will pay the City \$19,155.00 as compensation for these property interests.

NCGS §160A-274 allows a governmental unit to sell to another governmental unit an interest in real property upon such terms as City Council deems reasonable.

General Services staff recommends the City convey the following property interests to NCDOT for the compensation listed below:

- 1318 E. Pettigrew Street (parcel # 119085): \$14,430.00 for .019 acres for a temporary construction easement, .024 acres for a permanent utility easement, and .104 acres in fee simple
- 917 Liberty Street (parcel # 111293): \$4,725.00 for .014 acres for a temporary construction easement and .028 acres for a permanent utility easement, with the proceeds from sale of these property interests to be granted to Keep Durham Beautiful.

NCDOT previously requested the City convey various property interests affecting three other city-owned parcels, which are located at 1117 Gillette Avenue, 116 S. Alston Avenue, and 1000 Gilbert Street. City Council approved these conveyances March 2, 2015. City Council is being asked herein to authorize conveyances of property interests affecting two city-owned parcels. There is a companion item on this agenda that details NCDOT's requests for property interests for the Project that affect three other city-owned parcels located adjacent to Alston Avenue.

Recommendation

The General Services Department recommends that City Council 1) pursuant to NCGS §160A-274, authorize conveying to the North Carolina Department of Transportation a) .147 acres on 1318 E. Pettigrew Street for a temporary construction easement, a permanent utility easement, and fee simple right-of-way; and b) .042 acres on 917 Liberty Street for a temporary construction easement and a permanent utility easement for a total amount of

\$19,155.00, and 2) authorize the City Manager or Mayor to convey the city-owned property interests by special warranty deed.

Background

NCDOT plans to widen Alston Avenue from NC 147 to US 70 Business/NC 98, resulting in a predominantly four-lane roadway that will both improve safety and reduce congestion in the area. Project designs include constructing sidewalks on both sides of the road and widening outside lanes to accommodate bicycles. NCDOT requires the aforementioned property interests from the City as part of the Project.

Issues and Analysis

The Project will not disrupt the current use of either parcel. The parcel located at 1318 E. Pettigrew Street has a fenced-in water tank on it, and the water tank houses the cellular antennas of T-Mobile, Sprint, New Cingular Wireless, and Cricket Communications. Each company also has equipment on the ground, which will not be affected by the Project.

The parcel located at 917 Liberty Street was acquired specifically for use as Long Meadow Park, which is its current use, and the Project will not affect the public's continued enjoyment of this park.

The deed for 917 Liberty Street contains a restriction requiring that proceeds from a sale of all or part of the property be donated to a public charity as designated by City Council. After consulting with both the City Attorney's Office and the Department of Parks and Recreation (DPR), staff recommends to the City Council that donating sale proceeds to the local non-profit organization Keep Durham Beautiful (KDB) is appropriate.

As Long Meadow Park, the parcel serves as a place for the community to engage in recreational activities, a function served by all city parks. The previous owners of the parcel conveyed it to the City in 1932 for that express purpose. KDB's retention of the funds on behalf of DPR is an appropriate way to ensure that the community continues to benefit from this parcel as intended.

Real Estate staff reviewed NCDOT's appraisals for both city-owned parcels affected by the proposed conveyances. Based on that review, staff determined that the compensation offered by NCDOT for the property interests on 1318 E. Pettigrew Street and 917 Liberty Street is reasonable.

Alternative

City Council could decide not to authorize the conveyance of the requested property interests to NCDOT. This alternative is not recommended because NCDOT requires these property interests in order to construct improvements to Alston Avenue that will reduce congestion and improve safety in the area.

Financial Impact

The City will receive compensation from NCDOT totaling \$19,155.00. Staff recommends donating the portion of compensation paid for 917 Liberty Street, \$4,725.00, to KDB. Donating the proceeds to KDB satisfies the dictates of the deed restriction and enables KDB and DPR to apply those funds directly to Durham's park and recreation facilities.

The remainder of the proceeds, \$14,430.00, will be deposited in the City's General Fund for Sale of Land (Account 0100-661100).

NCDOT will be responsible for payment of all closing costs.

SDBE Summary

This item does not require review by the Equal Opportunity/Equity Assurance Department.

Attachments

Aerial view of parcels' locations

Construction drawings depicting property interests needed on two city-owned parcels